

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton
v. : Crim. No. 09-498 (SDW)
AUGUSTINO SMITH : CONTINUANCE ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Brian L. Urbano, Assistant U.S. Attorney), and defendant Augustino Smith (Robert Olejar, Esq., appearing) for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendants desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

2. Defendant has consented to the aforementioned continuance; and

3. Pursuant to Title 18 of the United States Code, Section 3161(h) (8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 15th day of November, 2010,

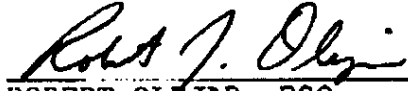
IT IS ORDERED that defense motions shall be filed by January 10, 2011, the government's reply shall be filed by January 24, 2011, the defense surreply, if any, shall be filed by January 31, 2011, the argument of the motions is scheduled for February 7, 2011, and the trial is scheduled for February 8, 2011; and

IT IS FURTHER ORDERED that the period from November 10, 2010, through January 10, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h) (8).

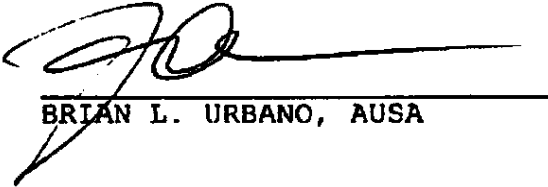


HON. SUSAN D. WIGENTON
United States District Judge

I hereby consent to the form
and entry of this Order



ROBERT OLEJAR, ESQ.
ATTORNEY FOR AUGUSTINO SMITH



BRIAN L. URBANO, AUSA